

The 15th April, 1980

No. 11(112)-80-3 Lab/5598.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Saraswati Ceramics Refractories, Sector 25, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 146 of 1979

between

THE WORKMEN (LIST ENCLOSED AS ANNEXURE-A) AND THE MANAGEMENT OF M/S SARASWATI CERAMICS REFRactories, SECTOR 25, FARIDABAD

Present—

Shri Sunahari Lal. for the workmen.
Shri D. D. Agrawal, for the management.

AWARD

1. By order No. ID/FD/18258, dated 3rd May, 1979, the Governor of Haryana referred the following dispute between the management of M/s Saraswati Ceramics Refractories, Sector 25, Faridabad and its workmen (List enclosed as Annexure-A), to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of the workmen (List enclosed as Annexure-A) was justified and in order? If not, to what relief are they entitled?

2. On receipt of the order of reference, notices were issued to the parties. The workmen appeared but the management did not appear despite service. Then the management was proceeded against *ex parte* and the case was fixed for *ex parte* evidence of the workmen. The workmen examined Shri his previous evidence as it was. He

Kapil Dev, one of the concerned workman. The workmen also tendered in evidence S/Shri Biran, Mahesh, Rajinder, Subhash, Shiv Balak, Anrudh and Brahma and closed their case. I had given my *ex parte* award in this case on 31st August, 1979 holding that the termination of services of these workmen was neither justified, nor in order and they were entitled to reinstatement with continuity of service and with full back wages.

3. The management then moved this Tribunal for setting aside *ex parte* award. Notices were sent to the workmen who appeared through their representative. Negotiations for settlement took place. *Ex parte* award was set aside subject to payment of costs. The management, thereafter filed a settlement in respect of three workmen named S/Shri Anrudh, Shiv Balak and Brahma. The representative for the workmen admitted the settlement. Negotiations for settlement in respect of remaining workmen were going on. Thereafter the management did not appear. On 1st January, 1980 the case was called thrice and at 12-15 p.m., the management was again proceeded against *ex parte* and the case was fixed for *ex parte* evidence of the workmen. Thereafter the management appeared at 2-00 p.m. and stated that he could not appear in time as his motor cycle suffered some defect and so he was late. *Ex parte* order was then set aside and the case was fixed for settlement. The case was again fixed for settlement with a direction that if no settlement was arrived at, the management shall file their written statement on the next date of hearing.

The management did not file any written statement on the next date of hearing.

4. In this case the management had defaulted in appearance two times previously and they again defaulted in filing written statement on the last date of hearing i.e. 4th March, 1980. In these circumstances the defence of the management was closed. The representative for the workmen stated that his evidence recorded previously as *ex parte*, should be treated as his evidence in the matter. And he admitted his previous evidence as it was. He

prayed that award in respect of all remaining workmen may be given, as the dispute of three workmen had been settled.

5. I, therefore, amend any *ex parte* award given on 31st August, 1979 and sent to the Government on 7th September, 1979, for publication to the extent that the termination of services of Sarvshri Mahesh Parshad, Kapil Dev, Biran, Gurjit Singh Sadee was neither justified, nor in order. They are entitled to reinstatement with continuity of service and with full back wages. Sarvshri Anrudh, Shiv Balak and Brahma are not entitled to any relief. They have settled their dispute. Shri Subhash Kumar is also not entitled to any relief as he did not appear in witness box in support of his case.

Dated the 3rd April, 1980.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana Faridabad.

No. 306, dated the 7th April, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-80-3 Lab./5603.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Dalmia Dadri Cement Ltd., Charki Dadri BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,

HARYANA, FARIDABAD

Reference No. 42 of 1972

between

THE WORKMEN AND THE MANAGEMENT
OF M/S DALMIA DADRI CEMENT LTD.,
CHARKHI DADRI.

Present—

Shri Bhim Sain/Shri Hari Singh, for the workmen.

Shri S. N. Bhandari, for the management.

AWARD

1. By order No. ID/HSR/92-B-72/24840—844, dated 3rd July, 1972, the Governor of Haryana referred the following dispute between the management of M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the grades and scales of pay of the workmen should be revised as shown against demand No. 5 of demand notice, dated 6th April, 1971 ? If so, with what details ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 29th May, 1973:—

1. Whether the present reference is invalid because the demand the subject-matter of the reference is covered by the award, dated 26th August, 1963, of the Industrial Tribunal, Punjab in Reference No. 45 of 1961 ?
2. Whether the workmen are estopped from raising the above demand for reasons given in the preliminary objection 1(b) of the written statement ?
3. Whether the demand, the subject-matter of the reference is tantamount to claim for promotion of the workmen concerned ?
4. If issue No. 3 is proved whether there are sufficient grounds to interfere with the action of the management in the matter ?
5. Whether the grades and scales of pay of the workmen should be revised as shown against demand No. 5 of demand notice, dated 6th April, 1971 ? If so, with what details ?

And the case was fixed for the evidence of the management on issues No. 1, 2 and 3, which were tried as preliminary. The management examined Sarvshri V. Shukla as MW-1 and closed their case on issues No. 1, 2 and 3. Then the

case was fixed for the evidence of the workmen on the said issues. The workmen examined S/Shri Krishal Nal Fitter as WW-1, Kali Ram Fitter as WW-2, Ram Kumar Fitter as WW-3, Sheo Narain Welder as WW-4, Raj Paul Fitter as WW-5 and closed their case. My learned predecessor had decided the said three preliminary issues,—vide his separate order dated 9th June, 1975, and had fixed the case for determination of remaining issues. Thereafter the parties obtained several adjournments and the other parties did not object. It would be worthwhile to mention that, after 9th June, 1975, the workmen began to adduce their evidence on 22nd July, 1977, and till this period adjournments only were obtained. The workmen then examined Shri Kali Ram Fitter as WW-6, Shri Sheo Narain as WW-7, Ram Lubhia as WW-8, Ram Kumar Fitter as WW-9, on 22nd July, 1977, and the case was adjourned for remaining evidence of the workmen. Thereafter the workmen had led no evidence by this time but sought adjournments only, which were granted without objection of the management. Some time the management also obtained adjournments which were granted without objection of the workmen. In the mean time Cement Udyog Kamgar Sangh made an application for adding them as party to this reference, which was fixed for reply and arguments with a direction that the workmen shall close their case on the next date of hearing. Cement Udyog Kamgar Sangh was added as a party to this reference,—vide my order, dated 9th February, 1978. The representative for the workmen then closed their case on 18th October, 1978. But the added party had not closed their case. Therefore, the case was fixed for the evidence of the workmen by that union also. On the last date i.e. 4th March, 1980, the management did not appear and one Shri J. R. Bagla appeared for the workmen but no evidence of the workmen was present. He adduced nil in the evidence of the workmen, the evidence of the parties was then closed. Shri J. R. Bagla, representative for the workmen was directed to argue. He did not argue.

3. As per my award given in reference No. 23 of 1972 I have held that National Arbitrators have given award who were appointed on a national level by consent of the parties for Cement Industries in India as a whole. This management and the workmen were also party to that Arbitration agreement and are governed by the award of the said Arbitrators who were appointed on a national scale.

4. I, therefore, give my award that the demand is hit by the award of the said National Arbitrators. The dispute was referred to earlier, under this reference, has become redundant and this reference has become infructuous.

5. The said award of the National Arbitrators shall be binding on the parties except in so far as it is modified, altered or otherwise as per the decision of the Hon'ble the Punjab and Haryana High Court in the writ petition filed by the management. However, the management has implemented the award of the said Arbitrators.

6. If any dispute arises in the course of implementation of the said Arbitrator's award or as a result or consequence of the implementation of the said arbitration award, through some errors or otherwise, the workmen shall be at liberty to raise such dispute afresh.

Dated the 31st March, 1980.

NATHU RAM SHARMA,
Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

No. 302, dated 1st April, 1980.

Forwarded, (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer, Industrial
Tribunal, Haryana, Faridabad.

No. 11(112)-80-3 Lab./5604.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 23 of 1972.

between

THE WORKMEN AND THE MANAGEMENT
OF M/S. DALMIA DADRI CEMENT LTD.,
CHARKHI DADRI. *

Present —

Shri Bhim Sain/Shri Hari Singh, for the
workmen.

Shri S. N. Bhandari, for the management.

AWARD

1. By order No. ID/HSR/1-D/71/10413—17, dated 24th March, 1972, the Governor of Haryana referred the following dispute between the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether all those workers working on the job of Cement Loading and unloading of Coal, Gypsum and Laterite should be provided the same facilities as enjoyed by the departmental Labour working in the Factory ? If so, with what details ?
2. Whether the Contract system for the work of cleaning and removing of raw material, Cement and clinker in Mill House, packing crusher, Dryer, Kiln and other departments and section of the factory should be abolished ? If so, with what details and from which date ?
3. Whether the clerks working in shifts in the Packing Department should be placed in grade IVth as recommended by the Central Wage Board for Cement Industry for clerks ? If so, with what details ?
4. Whether the workmen (List enclosed) should be designated as indicated against their name and given the grades of the said designation ? If so, with what details ?
5. Whether the grade of Shri Sushil Kumar 'Bhushan' Electrician should be revised ? If so, with what details ?
6. Whether the grade of Loco Helpers should be revised and all the Loco Helpers be placed in grade, "D" ? If so, with what details ?
7. Whether the termination of services of Shri Risal Watchman was justified and in order ? If not, to what relief is he entitled ?
8. Whether the break caused in the service of Shri Chet Ram, Watchman should be condoned and whether he

should be treated as regular and permanent employee of the factory ? If so, with what details ?

9. Whether the workmen working in the factory whether permanent, casual, temporary and employed direct or through contractor should be given Wage Slips after closing their respective wage periods at least before 2 days from the payment of their salary and wages due under the payment of Wages Act, 1936 ? If so, with what details ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 24th July, 1972 as per order of reference. And the case was fixed for the evidence of the workmen. The workmen examined S/Shri Ram Kumar as WW-1, Shri Sushil Kumar as WW-2, Shri Ram Nath as WW-3, Shri Ram Rakha as WW-4, Shri Sant Lal as WW-5, Shri Ram Kumar as WW-6. Then the case was fixed for remaining evidence of the workmen. Thereafter the parties obtained several adjournments on one or the other grounds. The workmen then examined S/Shri Ram Niwas as WW-7, Shri Mogi Ram as WW-8, Shri Patram as WW-9, Shri Ram Jiwan as WW-10. The parties again obtained several adjournments. Other party did not object. After 30th August, 1974, adjournments were obtained upto this time. But no further evidence was adduced. The representative for the workmen Shri Bhim Sain had once left for U.K. and till he came back to India, adjournments were obtained but without any objection from the other side. On 15th November, 1977 Cement Udyog Kamgar Sangh also made an application for adding them as a party. Then the parties agreed that the workmen may file affidavits in their evidence and the management would cross examine the witnesses to whom so ever they liked to cross examine. The management made an application for amending the written statement. The management was allowed and issue No. 10 was framed on 4th October, 1978. The parties stated that issues No. 10 was purely a question of law and they would address arguments only and they would not adduce any evidence except filing documents. Then the case was fixed for filing documents. Then the case was fixed for filing documents, on issue No. 10 and the arguments on the said issue.

3. It would be worthwhile to mention that the parties had prayed for an interim award on disputes No. 1 & 2 referred to this Tribunal under this reference which was given on 13th June, 1979, and was sent to the Government under this office number 530, dated 22nd June, 1979, for publication in the Haryana Government Gazette.

4. On 28th November, 1979, the representative for the management stated that he was not in a position to state whether any deponent would be cross examined by them. The representative for the workmen stated that he shall examine only Shri Bhim Sain and not any other witness and shall close their case. Then the case was fixed for recording statement of Shri Bhim Sain and for the evidence of the management also. The management was also directed to file affidavits in their evidence if they so liked. One Shri Hari Singh of the Cement Udyog Karachari Sangh also filed affidavit of Shri Gokal. The representative for the management also filed an application for "no dispute" award in the light of the National Arbitrators award of S/Shri R. P. Nivatia and Ramanujam. The above-said learned arbitrators were appointed for giving award relating to Cement Industries in India and their award is an award on the national scale. The case was fixed then for reply and arguments on that application also and also for recording evidence of the management and of Shri Bhim Sain, the representative for the workmen.

5. The workmen filed reply to that application of the management. The application was then fixed for arguments on 4th March, 1980. On 4th March, 1980, the management did not appear. One Shri J. R. Bagla appeared for the workmen. By virtue of my order dated 4th March, 1980 I closed the evidence of the parties and directed the representative for the workmen representing that day to argue the case. He did not like to argue.

6. I have considered the evidence on file. I have also considered the application of the management. It is correct that S/Shri R. P. Nivatia and Shri Ramanujam were appointed by the Government of India with the consent of the management and the workmen for giving award for Cement Industries. They have given that award. This management as well as unions were parties to arbitration agreement and the award and both had to implement the said award. The award of the said arbitrators was

applicable to the Cement Industries as a whole in India. The management has implemented that award. The management has filed a writ petition also against the said award, but they implemented the said arbitration award. The management pleaded in their application that most of the matters referred in the present dispute regarding the demands which had already been accepted by the management. The management moved that no dispute award may be given. In reply the workmen stated that their application be dismissed.

7. The matter was referred to this Tribunal in the year 1972. 8 years have elapsed. Arbitration award on all India level was given by the said Arbitrators in the year 1978. I, therefore, give my award that the parties shall be binding by the said arbitration award of the said Arbitrators. And the said arbitration award shall govern the parties. In view of the said National Arbitrators award, the reference or the disputes have become infructuous, except in so far as my interim award dated 13th June, 1979, decided the disputes therein. My said interim award shall also be binding on the parties.

8. However, if the Hon'ble the Punjab and Haryana High Court decides the said writ petition of the management, the parties shall be governed by the said judgement of the Hon'ble the Punjab and Haryana High Court given in the said Writ Petition.

9. However, if some disputes arise after implementation of the said National Arbitrators award and as a result or consequence of the said National Arbitrators Award through some erroneous implementation, or want of implementation in part, the workmen shall have a right to raise afresh demands hereafter.

Dated the 31st March, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 301, dated 1st April, 1980.

Forwarded (four copies) to the Secretary to Government Haryana Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

List of the workmen

S. No.	Name	Designation of present	Correct Designation
1.	Ganga	Mazdoor	Packer.
2.	Baldeva	—do—	—do—
3.	Bhima	—do—	—do—
4.	Daya Nand	—do—	—do—
5.	Mahabir	—do—	Wammerman.
6.	Mohinder, S/o Banwari	—do—	Packer.
7.	Mohan, S/o Mangtu	—do—	P. P. Man.
8.	Om Parkash	—do—	Packer.
9.	Phool Chand	—do—	—do—
10.	Prakash, S/o Baboo Ram	—do—	Clerk.
11.	Phool Singh	—do—	Fitter.
12.	Ram Kumar, S/o Nanda	—do—	—do—
13.	Jaya Nand, S/o Balla	—do—	Granulator Helper.
14.	Ram Saran, S/o Bal Mukand	—do—	Watchman.
15.	Ram Rikh	—do—	Bag Fitter Attendant.
16.	Sardare	—do—	Watchman.
17.	Sant Lal	—do—	Mason.
18.	Sher Singh	—do—	Wireman.
19.	Darya	Packer	Oilman.
20.	Banwari	Boiler Forman	P. K. G. Fitter.
21.	Aradh Bihari	Land Attendant	—do—
22.	Chhaya Ram	Helper	Com Driver.

The 16th April, 1980

AWARD

No. 11(112)-80-3Lab./5619.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Free Wheel India Ltd. Faridabad.

BEFORE SHRI NATHU RAM SHARMA,

PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD.

Reference No. 359 of 1978

between

SHRI CHANDER DEV WORKMAN AND THE MANAGEMENT OF M/S. FREE WHEEL INDIA LTD., FARIDABAD.

Present:

Shri S. R. Gupta, for the workman.
Shri R. N. Rai, for the management.

1. By order No. ID/FD/124-78/38489, dated 22nd August, 1978 the Governor of Haryana referred the following dispute between the management of M/s. Free-Wheel India Ltd., Faridabad and its workman Shri Chandra Dev, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Chandra Dev was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 7th December, 1978:—

1. Whether the workman lost his lien by remaining absent for a longer period?

2. Whether the termination of services of the workman was justified and in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the management. The management examined Shri V. P. Single, their Personnel Officer as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments were heard at length. Now I give my finding issuewise :—

ISSUE No. 1 :

MW-1 has stated that the strike in the factory took place on 8th April, 1978 and lasted upto 11th May, 1978. A settlement was arrived at, copy Exhibit M-1. The workman did not report for duty by the date fixed in the settlement for reporting for duty, nor he gave any information regarding the reasons of his non-attendance. He further stated that when the workman returned for duty he had brought a medical certificate from a Delhi Doctor. The workman had gone on leave several times and had over stayed. WW-1 stated that he was working in the factory since 1972. He was in Faridabad but he had gone to Delhi and stayed with his brothers before the strike was called off. He got no information regarding calling off the strike. He came 6 or 7 days after the strike was called off. He could not get any information that the strike had been called off. He fell ill while he was at Delhi. He came to join his duty on 26th May, 1978 and brought with him the original certificate, copy Exhibit W-1 and W-2. MW-1 told him that the workman shall not be kept in service and his certificates were bogus. He was further asked to go away and MW-1, the Personnel Officer of the management did not take even his certificates. He then raised the demand.

3. The representative for the management argued that as per the settlement Exhibit M-1 the union had to inform the workman that the strike had been called off and the management had not to

inform any workman. He further argued that the workman came to the factory after the stipulated period in the settlement had expired, and therefore, the management was not under any obligation to take the workman back on duty. The representative for the management argued that the workman remained absent after the strike was called off and therefore, his name was removed from the rolls. Exhibit M-3 is fitness certificate of the workman dated 25th May, 1978. Exhibit M-2 is medical certificate of the Doctor certifying that the workman was suffering from Bacillary Dysentery and shall take two weeks for treatment and recovery. The strike was called off with effect from 11th May, 1978.

4. The workman had no information regarding calling off the strike and he also fell ill from 10th May, 1978 to 25th May, 1978. He was fit to resume duty on 25th May, 1978. The workman went on duty on 26th May, 1978 with medical certificate which fact is admitted by MW-1. The representative for the management cited FLR 1967 (V-15) page 259, 1979 I LLJ page 189, 1977 I LLJ page 233. The representative for the workman cited 1979 I LLN page 331(S.C.), 1977 I LLN, page 593, 1978 I LLN page 469, 1978 II LLN, page 173. The representative for the workman argued that it is not a case of loss of lien. The workman was ill and he had no knowledge that the strike had been called off. He further argued that even if the strike had been called off, the workman was unable to report for duty being ill and the workman reported for duty as soon as he recovered. Fitness certificate is dated 25th May, 1978 and the workman reported for duty on 26th May, 1978. He further argued that no intention of abandonment on the part of the workman can be inferred in these circumstances. He argued that it was not a case of loss of lien as the workman was ill and was suffering from Dysentery. I have gone through the above-quoted rulings. From the discussion, consideration of evidence and of arguments, I find that it is not a case in which the workman lost his lien. I, therefore, decide issue No. 1 against the management.

ISSUE No. 2:

In view of my finding on issue No. 1, it is the management who terminated the services of the workman by refusing him duty on 26th May, 1978, when he reported for duty after recovery from illness. I, therefore, find that the termination of services of the workman was neither justified, nor in order. I, decide issue No. 2 accordingly.

5. As a result of my finding on the issues, I give my award that the termination of services of the workman was neither justified, nor in order. I set aside the termination of his services. As far as relief is concerned, the workman is entitled to reinstatement with continuity of service and with full back wages. I, order accordingly.

The 26th March, 1980,

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 282, dated the 31st March, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana Faridabad.

No. 11(112)-80-3 Lab/5621.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XLIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Metachem Industries, Khewra Road, Bahalgarh:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD.
Reference No. 76 of 1978
between

THE WORKMEN AND THE MANAGEMENT OF M/S. METACHEM INDUSTRIES, KHEWRA ROAD, BAHALGARH.

Present:

Shri S. N. Solanki, for the workmen.
Shri S. C. Gupta, for the management.

AWARD

1. By order No. ID/RK/77/10825, dated 10th March, 1978 the Governor of Haryana referred the following disputes between the management of M/s. Metachem Industries, Khewra Road, Bahalgarh and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act:—

1. Whether the workmen should be supplied with uniforms ? If so, with what details ?
2. Whether the workmen should be given gur ? If so, with what details ?
3. Whether the workmen are entitled to the grant of house rent, cycle allowance ? If so, with what details ?
4. Whether the workmen are entitled to the grant of bonus for the year 1976-77 ? If so, with what details ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. The workmen had not appeared on 17th November, 1978. Then they were proceeded *ex parte* and *ex parte* evidence of the management was recorded. Thereafter the workmen filed application for setting aside *ex parte* order. Then negotiations for compromise started but on 30th July, 1979, the management did not appear, therefore, they were proceeded against *ex parte* and *ex parte* evidence of the workman was ordered. Thereafter the management applied for setting aside *ex parte* proceedings which were set aside subject to costs. Costs were paid. But even thereafter the management did not appear. Again *ex parte* proceedings were ordered against them. The representative for the workmen stated that what ever evidence they had given earlier as *ex parte* should be treated as evidence.

3. The management had examined Shri Vipin Kumar their partner as MW-1 and the workman examined Shri Pritam Sharma the workman of the management. The management stated that they were supplying three uniforms annually for their workmen consisting of one *Pajama* and one Shirt and one woollen Jersey in winter season. The management were supplying 200 grams of Gur daily to those workmen who used to work on grinding and packing job. He denied that the workmen were entitled to house rent or cycle allowance and no other factory was paying any of such allowance. As regards bonus he stated that the factory had started on 15th November, 1976 and was exempted from Payment of Bonus. It was registered at number 3302 in 1976. He also stated that in November, 1976 there were four workmen and in December, 1976 the number was the same. The same strength remained up to January, 1977 and it increased to five in February and March, 1977. He had brought the records proving supply of uniforms and Gur. The workmen stated that they should be supplied two summer uniforms and one woollen uniform as the said is supplied by Gedore Tools at Sonepat and that the workmen be supplied 250 grams of Gur and be paid cycle allowance and house rent at Rs. 30/- p.m. and bonus be paid at 20 per cent and the factory was running in profits. I have considered the evidence of the parties. I give my award as follows:—

4. That the management shall continue supply of three sets of summer uniforms consisting of one *Pajama* and one Shirt and one woollen Jersey for winter season. The management shall also continue supply of 200 grams of Gur daily to the workmen engaged on grinding and packing jobs. The workmen have not proved their right to bonus. They are not entitled to bonus. As far as house rent or cycle allowance is concerned, I award that the workmen be paid

Rs. 10/- p.m. as cycle allowance only and not house rent.

Dated the 27th March, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 280, dated 31st March, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

HARYANA GOVERNMENT LABOUR DEPARTMENT Notification

The 16th April, 1980

No. 11(112)-80-3Lab/5623.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Vickers India Pvt. Ltd., Mathura Road, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 19 of 1979

between

THE WORKMEN AND THE MANAGEMENT OF M/S VICKERS INDIA PVT. LTD., MATHURA ROAD, FARIDABAD.
Present:

Shri P. K. De for the workmen.

Shri D. C. Bhardwaj, for the management.

AWARD

1. By order No. FD/1/222-78/1155, dated 8th January, 1979, the Governor of Haryana referred the following dispute between the management of M/s Vickers India Pvt. Ltd., Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1)

of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the workmen are entitled to 7 days sick leaves ? If so, with what details ?
- (2) Whether the workmen should be supplied with uniforms ? If so, with what details ?
- (3) Whether the workmen should be granted tea allowance ? If so, with what details ?
- (4) Whether the workmen should be granted dearness allowance ? If so, with what details ?
- (5) Whether the workmen should be granted house rent allowance ? If so, with what details ?

closed. He had no knowledge about the receipt of full and final account by the workmen. He stated that he was not an employee of this management. The management closed their case. Arguments were heard. The workmen have filed copies of settlement entered into between the workmen of other managements and their management. The demands are such which can be granted with prospective effect. When the factory is closed, no question of grant of demands arises. I, therefore, give my award that the workmen are not entitled to any relief or any demands against any dispute referred to under this reference, as the factory has been closed since 31st August, 1979.

The 7th March, 1980.

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties the disputes were formed into issues and the case was fixed for the evidence of the workmen. The workmen filed documents Exhibit W-1 and W-4 and closed their case. Then the case was fixed for the evidence of the management. The management examined Shri N. C. Dutta their official Manager as MW-1 who stated that the factory had been closed since 31st August, 1979 due to non-production and losses. In cross-examination he stated that this management owns no share in M/s Roneo Vickers which is a public limited. He also denied that the workmen working in this factory have been transferred to M/s Roneo Vickers. He also stated that about 14 or 15 workmen were working when this factory was

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 260, dated the 26th March, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

H. L. GUGNANI,
Secretary to Government, Haryana,
Labour and Employment
Department.

IRRIGATION AND POWER DEPARTMENT

The 10th June, 1980 ?

No. 1158/1.L.—Whereas it appears to the Governor of Haryana that the land specified below is needed by the Government at the public expense, namely, for constructing Jatusana Ring Bund from R. D. 0 to tail R. D. 6,000 in village Jatusana in tehsil Rewari, district Mohindergarh, it is hereby notified that land in the locality described below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, for information to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana hereby authorises the officers of the Irrigation Department, Haryana, with their servants and workmen, for the time being engaged in the undertaking, to enter upon and survey the land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within a period of thirty days of the publication of this notification file objection in writing before the Land Acquisition Collector, Irrigation Department, Karnal.

Plans of the land may be inspected in the office of the Land Acquisition Collector, Irrigation Department, Karnal.

SPECIFICATION

District	Tehsil	Village and Hadbast Number	Area in Acres	Boundary
Mohindergarh	Rewari	Jatusana, Hadbast Number 106	12.49	A strip of land 5,900 feet in length and varying in width lying generally in the direction of south-east to north-west then Rectangle No. 31
				Field No. 1, 10
				Rectangle Number 32
				Field Number 5, 6; 7, 14, 15, 17, 18, 22, 23, 24, 26
				Rectangle numbers 36
				Field Number 2, 3, 9, 12/1, 14, 16/1, 16/2, 16/3, 17/1, 17/2, 17/3, 18/1, 18/2, 18/3, 23, 24, 25, 26
				Rectangle Number 37
				Field Number 21/1, 21/3, 22/1, 22/3, 25/2/1, 25/2/2, 25/2/3
				Rectanagle Number 52
				Field Number 7/2, 8/1, 8/2, 8/3, 9/1, 9/2, 9/3, 10/2, 12, 13, 14/1, 14/2, 15/1, 16/2
				Rectangle Number 53
				Field Number 1/1/2, 1/2/2, 2/1/2, 2/2/2, 3/1/1, 3/1/2, 3/2, 4/2, 6/2, 7, 8/1, 8/2, 9, 26
				Rectangle Number 54
				1, 2, 4, 5
				167, 169, 170, 172, 174, 654, 655, 656, 657, 659/1, 795, 295, 295/1, 185, 660, 661, 662, 663, 664, 665, 666, 667
				As demarcated at site and as shown on the plan
		Total	12.49	

(Sd.) .. .

Superintending Engineer,
W.J.C. Feeder/G.C. Circle,
3-Alipur Road, Delhi-54.